



TASMANIA

# HOUSE OF ASSEMBLY

SESSION OF 2019 - 2020

(SECOND SESSION OF THE FORTY-NINTH PARLIAMENT)

## VOTES AND PROCEEDINGS

No. 46

TUESDAY, 3 MARCH 2020

- 1 The House met at Ten o'clock a.m.
- 2 ACKNOWLEDGEMENT OF TRADITIONAL PEOPLE. - The Speaker made a statement acknowledging the traditional people of the land.
- 3 PRAYERS AND REFLECTION. – The Speaker read Prayers.
- 4 RESIGNATION OF MEMBER. – The Speaker informed the House that the following communication had been received from Her Excellency the Governor:-

Government House  
Hobart, Tasmania  
20 January 2020

The Honourable Sue Hickey MP  
Speaker of the House of Assembly,  
Parliament House,  
Hobart TAS 7000

Dear Madam Speaker,

I have received a letter dated 20 January 2020 from Mr Will *Hodgman* MP tendering his resignation as a Member for Franklin in the House of Assembly.

I have instructed the Electoral Commissioner to proceed in accordance with the provisions of Part 9 of the Electoral Act 2004.

Yours sincerely,

C. A. WARNER, *Governor*

- 5 ELECTION OF MEMBER. – The Speaker informed the House that the following communication had been received from Her Excellency the Governor:-

Government House,  
Hobart, Tasmania  
5 February 2020

The Honourable Sue Hickey MP  
Speaker of the House of Assembly,  
Parliament House,  
Hobart TAS 7000

Dear Madam Speaker,

I send herewith the Certificate of the Electoral Commissioner stating that a recount has been held under the provisions of Part 9 of the Electoral Act 2004 to fill the vacancy in the Division of Franklin caused by the resignation of Mr Will *Hodgman*.

Following the recount of the resigned member's ballot papers, Mr Nicholas *Street* has been elected to fill the vacancy. The election takes effect from 5 February 2020.

Yours sincerely,

C. A. WARNER, *Governor*

**6** MEMBER AFFIRMS. - *Nicholas Adam Street*, Member for the Division of Franklin subscribed to the Affirmation of Allegiance and subscribed to the Code of Conduct.

**7** MINISTERIAL APPOINTMENTS. The Premier made a statement to the House announcing the following ministerial appointments:-

The Honourable Peter Carl *Gutwein*, MP, Premier, Treasurer, Minister for Climate Change, Minister for the Prevention of Family Violence and Minister for Tourism.

The Honourable Jeremy Page *Rockliff*, MP, Deputy Premier, Minister for Education and Training, Minister for Mental Health and Wellbeing, Minister for Disability Services and Community Development, Minister for Trade and Minister for Advanced Manufacturing and Defence Industries.

The Honourable Michael Darrell Joseph *Ferguson* MP, Minister for Finance, Minister for Infrastructure and Transport, Minister for State Growth and Minister for Science and Technology.

The Honourable Elise Nicole *Archer*, MP Attorney-General, Minister for Justice, Minister for Corrections, Minister for Building and Construction, Minister for the Arts and Minister for Heritage.

The Honourable Guy *Barnett*, MP, Minister for Primary Industries and Water, Minister for Energy, Minister for Resources and Minister for Veterans' Affairs.

The Honourable Sarah Jane *Courtney* MP, Minister for Health, Minister for Strategic Growth, Minister for Women and Minister for Small Business, Hospitality and Events.

The Honourable Roger Charles *Jaensch* MP, Minister for Housing, Minister for Environment and Parks, Minister for Human Services, Minister for Aboriginal Affairs and Minister for Planning.

The Honourable Mark David *Shelton* MP, Minister for Police, Fire and Emergency Management and Minister for Local Government.

The Honourable Jane Colleen *Howlett* MLC, Minister for Sport and Recreation and Minister for Racing.

**8** QUESTIONS SEEKING INFORMATION. – In accordance with Standing Order No. 43, Questions without notice were asked.

**9** PAPERS. – The Attorney-General laid upon the Table of the House the following Papers:-

- (1) Family Violence Act 2004: Review of the effectiveness of electronic monitoring as a condition for perpetrators in Family Violence Orders.

- (2) Expungement of Historical Offences Act 2017: Annual Report 2018-2019.
- (3) Public Trustee Act 1930: Public Trustee Regulations 2019 (Statutory Rules 2019, No. 77).

**10 PAPERS.** – The Minister for Local Government laid upon the Table of the House the following Papers:-

- (1) Burnie City Council: Street Dining By-Law No. 1 of 2020.
- (2) Kingborough Council: Bruny Island Cat By-Law No. 1 of 2018.

**11 PAPERS.** – The Minister for Environment and Parks laid upon the Table of the House the following Papers:-

- (1) Environmental Management and Pollution Control Act 1994: Environmental Management and Pollution Control (Amendment of Schedule 2) Order 2019 (Statutory Rules 2019, No. 74).
- (2) Litter Act 2007: Litter (Infringement Offences) Amendment Regulations 2019 (Statutory Rules 2019, No. 75).
- (3) National Parks and Reserves Management Act 2002: National Parks and Reserves Management Regulations 2019 (Statutory Rules 2019, No. 76).

**12 GOVERNMENT BUSINESSES SCRUTINY COMMITTEE: REPORT BROUGHT UP.** – Mrs *Petrusma* brought up the Report of Government Businesses Scrutiny Committee 2019.

**13 PAPERS.** – The Clerk of the House laid upon the Table of the House the following Papers:-

- (1) Parliamentary (Disclosure of Interests) Act 1996:
  - (a) Primary Return for the Member for Clark Ms *Ogilvie*; and
  - (b) Variation Return for the Member for Bass Ms *Courtney*.
- (2) Tasmanian Audit Office: Erratum Notice in relation to Report of the Auditor-General No. 6 of 2019-2020.
- (3) Select Committee on the House of Assembly Restoration Bill – Final Report: Tabled with the Speaker on 25 February 2020 pursuant to the order of the House (Paper No. 1).
- (4) Select Committee on Housing Affordability – Final Report: Tabled with the Speaker on 13 February 2020 pursuant to the order of the House (Paper No. 2).

**14 MESSAGE FROM HER EXCELLENCY THE GOVERNOR.** – The Speaker read the following Message from Her Excellency the Governor:-

MESSAGE.

C. A. WARNER, *Governor*.

A Bill for an Act to establish a criminal and general division of the Magistrates Court, to provide for the conduct of proceedings in that division and to provide for related matters (Bill No. 27 (*Act No. 43 of 2019*))

A Bill for an Act to consequentially amend certain Acts on the enactment of the Magistrates Court (Criminal and General Division) Act 2019 (Bill No. 28 (*Act No. 44 of 2019*))

A Bill for an Act to provide for the issue and enforcement of restraint orders and for related matters (Bill No. 29 (*Act No. 47 of 2019*))

A Bill for an Act to amend the Public Works Committee Act 1914 (Bill No. 32 (*Act No. 42 of 2019*))

A Bill for an Act to amend the Inland Fisheries Act 1995 (Bill No. 46 (*Act No. 46 of 2019*))

A Bill for an Act to amend the Gaming Control Act 1993 (Bill No. 51 (*Act No. 45 of 2019*))

having been presented to the Governor for the Royal Assent, she has, in the name and on behalf of Her Majesty the Queen, assented to the said Bills.

*Government House, Hobart, 12 December 2019.*

**15** MESSAGE FROM HER EXCELLENCY THE GOVERNOR. – The Speaker read the following Message from Her Excellency the Governor:-

MESSAGE.

C. A. WARNER, *Governor*.

A Bill for an Act to make provision for the establishment and management of cemeteries and crematoria, to provide for, and regulate, the handling and storage of human remains and to repeal the Burial and Cremation Act 2002 (Bill No. 42 (*Act No. 50 of 2019*))

having been presented to the Governor for the Royal Assent, she has, in the name and on behalf of Her Majesty the Queen, assented to the said Bills.

*Government House, Hobart, 13 December 2019.*

**16** MESSAGE FROM HER EXCELLENCY THE GOVERNOR. – The Speaker read the following Message from Her Excellency the Governor:-

MESSAGE.

C. A. WARNER, *Governor*.

A Bill for an Act to amend the Civil Liability Act 2002 in relation to the liability of organisations for child abuse and to amend the Limitation Act 1974 in relation to settlements of certain actions in respect of child abuse, and for related purposes (Bill No. 36 (*Act No. 48 of 2019*))

A Bill for an Act to amend the Public Sector Superannuation Reform Act 2016 (Bill No. 41 (*Act No. 52 of 2019*))

A Bill for an Act to amend the Dog Control Act 2000 (Bill No. 43 (*Act No. 53 of 2019*))

A Bill for an Act to amend the Poisons Act 1971 (Bill No. 45 (*Act No. 51 of 2019*))

A Bill for an Act to amend the Long Service Leave (State Employees) Act 1994 (Bill No. 47 (*Act No. 49 of 2019*))

having been presented to the Governor for the Royal Assent, she has, in the name and on behalf of Her Majesty the Queen, assented to the said Bills.

*Government House, Hobart, 18 December 2019.*

**17** BILL NO. 43. - A Message from the Legislative Council -

MADAM SPEAKER,

The Legislative Council has agreed, without Amendment, to a Bill, intituled - "A Bill for an Act to amend the Dog Control Act 2000".

*Legislative Council, 28 November 2019.*

*C.M. FARRELL, President.*

**18** BILLS. – The Minister for Justice presented -

“A Bill for an Act to amend the Criminal Code Act 1924 and the Sentencing Act 1997” (Bill No. 3)

“A Bill for an Act to amend the Evidence Act 2001” (Bill No. 4)

“A Bill for an Act to amend the Criminal Code Act 1924 and to consequentially amend other relevant legislation” (Bill No. 5)

And Ms *Archer* having presented the said Bills, the same were read the First time and made Orders of the Day for tomorrow.

**19** LEAVE TO MAKE MOTION WITHOUT NOTICE. - *Ordered*, That the Minister for Infrastructure and Transport have leave to make a Motion without Notice. (The Minister for Infrastructure and Transport)

**20** ATTENDANCE OF LEGISLATIVE COUNCIL MINISTER AT QUESTION TIME. – A Motion being made and the Question being proposed – That whereas Standing Order 50 of the House of Assembly provides as follows:-

“When Members of the Legislative Council are commissioned as Ministers of the Crown:-

- (1) The House may seek the attendance of Members of the Legislative Council who are Ministers of the Crown by separate message requesting that leave be given to those Ministers to attend the Assembly so as to respond specifically to Questions without Notice seeking information of the kind covered by the Standing Orders of the House of Assembly.
- (2) The Standing Orders and practices of the House of Assembly have application, with qualification in relation to the requirement for any punishment for offences which constitute a contempt of the Assembly, committed by a Member of the Legislative Council, be not enforced until concurred with by the Legislative Council.
- (3) The Speaker shall have sufficient authority over a Member of the Legislative Council participating in Question Time so as to retain control of proceedings and maintain the decorum of the House.
- (4) A Member of the Legislative Council attending in the Assembly be not eligible to vote, be counted for the purpose of a quorum, attempt to make any motion or act in a way to initiate any business whatsoever.
- (5) A Member of the Legislative Council attending the Assembly be not subject to Questions beyond the time of 10.50 a.m. on any sitting day on which sittings of the Legislative Council are to commence.”,

the House of Assembly accordingly, requests that the Legislative Council give leave for any Member of the Legislative Council who is a Minister of the Crown to attend the Assembly so as to respond specifically to Questions without Notice seeking information of the kind covered by the Standing Orders of the House of Assembly.

A debate arose thereupon.

And the Question being put;

It was resolved in the Affirmative.

**21** ATTENDANCE OF LEGISLATIVE COUNCIL MINISTER AT QUESTION TIME. - A Message to the Legislative Council. -

MR PRESIDENT

The House of Assembly having agreed to the following Resolution, begs now to transmit the same to the Legislative Council and to request its concurrence therein: -

*Resolved*, That whereas Standing Order 50 of the House of Assembly provides as follows:-

“When Members of the Legislative Council are commissioned as Ministers of the Crown:-

- (1) The House may seek the attendance of Members of the Legislative Council who are Ministers of the Crown by separate message requesting that leave be given to those Ministers to attend the Assembly so as to respond specifically to Questions without Notice seeking information of the kind covered by the Standing Orders of the House of Assembly.
- (2) The Standing Orders and practices of the House of Assembly have application, with qualification in relation to the requirement for any punishment for offences which constitute a contempt of the Assembly, committed by a Member of the Legislative Council, be not enforced until concurred with by the Legislative Council.
- (3) The Speaker shall have sufficient authority over a Member of the Legislative Council participating in Question Time so as to retain control of proceedings and maintain the decorum of the House.
- (4) A Member of the Legislative Council attending in the Assembly be not eligible to vote, be counted for the purpose of a quorum, attempt to make any motion or act in a way to initiate any business whatsoever.
- (5) A Member of the Legislative Council attending the Assembly be not subject to Questions beyond the time of 10.50 a.m. on any sitting day on which sittings of the Legislative Council are to commence.”,

the House of Assembly accordingly, requests that the Legislative Council give leave for any Member of the Legislative Council who is a Minister of the Crown to attend the Assembly so as to respond specifically to Questions without Notice seeking information of the kind covered by the Standing Orders of the House of Assembly.

*House of Assembly, 3 March 2020.*

SUE HICKEY, *Speaker*.

**22** LEAVE TO TABLE PAPER. – A Motion being made and the Question being proposed – That Ms O'Connor have leave to table a paper. (Ms O'Connor)

A debate arose thereupon.

And the Motion was, *by leave*, withdrawn.

**23** MATTER OF PUBLIC IMPORTANCE: FAMILY VIOLENCE. – Ms O'Byrne, in accordance with Standing Orders, moved - That the House take note of the following matter:

Family Violence.

And the Question being proposed;

A Debate arose thereupon.

And the Question being put;

It was resolved in the Affirmative.

**24** MINISTERIAL STATEMENT: CORONAVIRUS. – The Premier made a Statement to the House in relation to Coronavirus.

**25** MINISTERIAL STATEMENT NOTED. – A Motion was made and the Question proposed – That the Ministerial Statement made by the Premier be noted. (Ms *White*)

And the Minister for Health was addressing the Chair.

**26** SUSPENSION OF SITTING. - At One o'clock the Speaker left the Chair.  
At half-past Two o'clock the Speaker resumed the Chair.

**27** MINISTERIAL STATEMENT NOTED. - And the Question being again proposed;

The House resumed the Debate.

And the Question being put;

It was resolved in the Affirmative.

**28** PREMIER'S ADDRESS. In accordance with the Standing Orders the Premier made an Address to the House.

**29** PAPERS. – The Premier laid upon the Table of the House the following Paper:-

Premier's Address 2020.

**30** PREMIER'S ADDRESS NOTED. - The Speaker proposed the Question - That the Premier's Address be noted.

*Ordered*, That the Debate be adjourned until tomorrow. (Ms *White*)

The House adjourned at fifty-one minutes past Three o'clock.

SHANE DONNELLY, *Clerk of the House*.

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MEMBERS. - All present during the day except Mr *Barnett*, Dr *Broad* and Dr *Woodruff*.